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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,987	09/06/2000	Calvin B. Ward	54391	9378
7590 Law Offices of Calvin B Ward 18 Crow Canyon Court Suite 305 San Ramon, CA 94583			EXAMINER DICUS, TAMRA	
			ART UNIT	PAPER NUMBER
			1794	
			MAIL DATE	DELIVERY MODE
			05/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/655,987

Applicant(s)

WARD, CALVIN B.

Examiner

TAMRA L. DICUS

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the appeal brief filed on 02-04-08, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2). A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Terrel Morris/
Supervisory Patent Examiner
Group Art Unit 1794

The finality of the Office action mailed is hereby withdrawn in view of the new ground of rejection set forth below.

2. The previous 112 rejections are withdrawn. The previous 102(b) rejection over Claim 27 as being anticipated by USPN 3,342,613 to Schelhorn

et al. and all the 103(a) rejections dependent on Schelhorn are withdrawn due to Applicant's arguments.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,992,121 to Rubino.

Rubino teaches a method of protecting an exposed surface (a support surface to which an object and intermediate sheet are electrostatically adhered, thus construed as an exposed surface because the object and sheet are separately affixed prior to application to the support surface-5: 60-68) providing an object/display such as a poster of paper, felt (embraces fibrous mat, claim 23), or any plastic (inherently absorbent layer, 5:20-45) bonded to an electrostatically charged foam (2:35-60, 5:20-40). The electrostatically charged sheet has an electrostatic charge obtained by rubbing fiber pads on the surface of an electrostatically chargeable intermediate polymeric sheet. The object and intermediate electrostatically charged laminate is placed on a

support of wood, glass, or a door and stays on a support surface for at least one month without sliding or falling.

Rubino teaches electrostatic foam sheet attached to an absorbent of paper, felt, or plastic and the absorbent can be virtually any plastic (5:44-45), and preferably of polystyrene an inherently water-impermeable and thus resulting in a water-impermeable electrostatically charged sheet. Claims 23 and 27 are met.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8, and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,888,604 to Evans, Jr. et al. in view of US 4,992,121 to Rubino or alternatively in view of US 6,159,325 to Graham et al.

Evans, Jr. teaches a foldable mat for absorbing liquids (a protective covering for protecting an exposed surface (such as a floor)) wherein multiple layers of base and multiple layers of absorbent material are both made of nonwoven or solid sheet webs made of cellulose (embraces paper), wool, polyolefins, polyesters, glass or any combination that would allow the mat to

absorb, dike, contain or filter fluids. The absorbent layer is divided by boundaries into segments that contain the liquid or fluids. Both layers are hydrophobic and thus are water-impermeable and liquid impermeable. The fluid stays within the cells as the boundaries are segmented as shown in FIGs. 2 and 9 and thus act as applicant's instant claims 1, 7, 25, and 28. The layers may also be water-resistant and substantially porous to allow liquid to flow through that layer and absorbed by the layer underneath (claims 8 and 26). See 2:1-15, 2:50-52, 3:20-60, 4:1-11, patented claims 1-5, 8-10, 13-15.

Evans does not teach the layers are electrostatically charged (claims 1, 21-28).

However, Evans teaches the layers are of nonwoven or plastic material and placed on floors for instance.

Rubino teaches electrostatically charging wherein an object and intermediate electrostatically charged laminate is placed on a support of wood, glass, or a door and stays on a support surface for at least one month without sliding or falling. Rubino teaches an electrostatic foam sheet attached to an absorbent of paper, felt, or plastic and the absorbent can be virtually any plastic (5:44-45), and preferably of polystyrene an inherently water-impermeable material and thus resulting in a water-impermeable electrostatically charged sheet.

Graham teaches electrostatically charged thermoplastic nonwoven webs in displays and teaches it is well known that opposites attract and thus the

electrostatically charged layer will cling to an uncharged layer (3:44-68, 4:1-22).

It would have been obvious to one having ordinary skill in the art to have modified the mat of Evans to substitute or electrostatically charge the water-impermeable layer of in order to further secure the layer to any surface or three-dimensional object so that it stays without sliding or falling as taught by Rubino and in order to adhere it to a substrate as Graham teaches it is well known that opposites attract and thus the electrostatically charged layer will cling to an uncharged layer as cited above.

Evans, Jr. doesn't teach an absorbent layer of open cell foam or that the foam is electrostatically charged per instant claims 3-4 and 21-22 or an absorbent fibrous mat and that it is also electrostatically charged per claims 5-6 and 23-24.

However, Rubino explains electrostatically charged foams can have a cell structure that is porous (an thus an open-cell plastic foam and act as absorbent material because it is of the same material as Applicant) for lightness and is flexible for rolling up, commercially available, and inexpensive (3:60-68, 4:1-30), thus one would have been inclined to use such material as Evans teaches the mat is rolled up or folded as taught above. Rubino as also set forth above teaches an electrostatically charged felt which is a fibrous mat and results in an electrostatically charged fibrous mat that is absorbent as it is the same material as Applicant.

It would have been obvious to one having ordinary skill in the art to have modified the mat of Evans to use open cell foam as an absorbent layer because Rubino explains it is light and flexible for rolling up, and is commercially available, and inexpensive (3:60-68, 4:1-30), thus one would have been inclined to use such material as Evans teaches the mat is rolled up or folded as taught above. It would have been obvious to one having ordinary skill in the art to have modified the mat of Evans to use electrostatically charged felt material as an absorbent layer because it is also light weight and inherently absorbs liquid.

Response to Arguments

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAMRA L. DICUS whose telephone number is (571)272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tamra L. Dicus /TLD/
Examiner
Art Unit 1794

4/10/08

/Terrel Morris/
Supervisory Patent Examiner
Group Art Unit 1794